

**SUPREME COURT MINUTES
FRIDAY, FEBRUARY 4, 2005
SAN FRANCISCO, CALIFORNIA**

S122240

B154557 Second Appellate District,
Division Eight

PEOPLE v. GONZALEZ

Time extended to consider modification or rehearing

to April 22, 2005, or the date upon which
rehearing is either granted or denied., whichever
comes first.

S044693

PEOPLE v. WALL (RANDALL C.)

Extension of time granted

to April 1, 2005 to file appellant's opening brief.
After that date, only one further extension
totaling about 60 additional days will be
granted. Extension is granted based upon
counsel Darlene M. Ricker's representation that
she anticipates filing that brief by 6/1/2005.

S055856

PEOPLE v. ROMERO & SELF

Extension of time granted

to April 8, 2005 to file appellant's ROMERO'S
opening brief. After that date, only four further
extensions totaling about 240 additional days
will be granted. Extension is granted based
upon Deputy State Public Defender Michael P.
Goldstein's representation that he anticipates
filing that brief by 12/2005.

S065233

PEOPLE v. SMITH (FLOYD)

Extension of time granted

to April 5, 2005 to file appellant's opening brief.
After that date, only three further extensions
totaling about 180 additional days will be
granted. Extension is granted based upon
Deputy State Public Defender Jamilla Moore's
representation that she anticipates filing that
brief by 10/2005.

S070686

PEOPLE v. ROMERO (GERARDO)

Extension of time granted

to April 19, 2005 to file respondent's brief, based upon Supervising Deputy Attorney General Robert Katz's representation that he anticipates filing that brief by 4/19/2005. After that date, no further extension will be granted.

S075875

PEOPLE v. RUSSELL (TIMOTHY R.)

Extension of time granted

to April 1, 2005 to file appellant's opening brief. After that date, only eight further extensions totaling about 430 additional days will be granted. Extension is granted based upon Deputy State Public Defender Kent Barkhurst's representation that he anticipates filing that brief by 6/2006.

S121159

C041818 Third Appellate District

PEOPLE v. RABADUEX

Extension of time granted

to February 18, 2005 for appellant to file the reply brief on the merits.

S123962

PANAH (HOOMAN ASHKAN) ON H.C.

Extension of time granted

to March 2, 2005 to file the reply to the informal response to the petition for writ of habeas corpus. After that date, only two further extensions totaling about 60 additional days will be granted. Extension is granted based upon counsel Robert R. Bryan's representation that he anticipates filing that document by 5/2/2005.

S126233

C038245 Third Appellate District

PEOPLE v. WARNER

Extension of time granted

respondent to and including March 15, 2005, to file the answer brief on the merits.

S126630

H025213 Sixth Appellate District

LeFRANCOIS v. GOEL

Extension of time granted

Appellant's time to serve and file the reply brief is extended to and including March 7, 2005. No further extensions are contemplated.

S129603

CARASI (PAUL) ON H.C.

Extension of time granted

to March 4, 2005 to file the informal response to the petition for writ of habeas corpus. After that date, only three further extensions totaling about 90 additional days will be granted. Extension is granted based upon Deputy Attorney General Ana R. Duarte's representation that she anticipates filing that document by 5/30/2005.

S129612

BONILLA (STEVEN) ON H.C.

Extension of time granted

to March 4, 2005 to file the informal response to the petition for writ of habeas corpus. After that date, only two further extensions totaling about 60 additional days will be granted. Extension is granted based upon Deputy Attorney General Bruce Ortega's representation that he anticipates filing that document by 5/1/2005.

S124494B162235 Second Appellate District,
Division Seven

DORE v. ARNOLD WORLDWIDE

Application to appear as counsel pro hac vice granted

Martin S. Kaufman of the State of New York to appear on behalf of amicus curiae Southern California Chapter of the Association of Corporate Counsel.

S129294

F044059 Fifth Appellate District

PEOPLE v. KENDRICK

Counsel appointment order filed

The Central California Appellate Program is hereby appointed to represent appellant on his appeal now pending in this court.

S121400

H024214 Sixth Appellate District

VARIAN MEDICAL SYSTEMS v. DELFINO

Request for judicial notice granted

Respondents' motion for judicial notice in support of answer brief to amicus curiae California Newspaper Publishers Assn., et al., filed on July 9, 2004, is granted.

S129303

OKEEFE ON DISCIPLINE

Recommended discipline imposed: disbarred

It is hereby ordered that **MICHAEL EDWARD O'KEEFE, State Bar No. 51267**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. **Michael Edward O'Keefe** is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar. *(See Bus. & Prof. Code, § 6126, subd. (c).)

S129304

NESE ON DISCIPLINE

Recommended discipline imposed

It is ordered that **JOHN J. NESE, State Bar No. 62264**, be suspended from the practice of law for thirty days, that execution of suspension be stayed, and that he be placed on probation for eighteen months on condition that he be actually suspended for twenty-one days. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed October 5, 2004. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10

and one-half of said costs must be added to and become part of the membership fees for the years 2006 and 2007.

S129312

POWELL ON DISCIPLINE
Recommended discipline imposed

It is ordered that **TERRELL D. POWELL, State Bar No. 67188**, be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for one year on condition that he be actually suspended for 45 days. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed October 4, 2004. The period of probation is to be consecutive to the period of probation previously imposed in S112976 (97-O-16608). Costs are awarded to the State Bar and must be added to and become payable as part of the membership fees for the year 2006. (Business & Professions Code section 6086.10.)

S129317

COOK ON DISCIPLINE
Recommended discipline imposed

It is ordered that **DONALD CHARLES COOK, State Bar No. 70485**, be suspended from the practice of law for three years and until he complies with the requirements of standard 1.4(c)(ii), as set forth more fully below, and until he pays the judgment specified below, that execution of the suspension be stayed, and that he be placed on probation for five years on condition that he be actually suspended for two years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct; and until he pays the judgment in the amount of \$6,832.31 to Global Revenue Services, Inc. **Donald Charles Cook** is further ordered to comply with the other

conditions of probation, including restitution, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on August 25, 2004, as modified by its order filed October 18, 2004. It is also ordered that **Donald Charles Cook** take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) **Donald Charles Cook** is further ordered to comply with rule 955 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar and one-fifth of said costs must be added to and become part of the membership fees for the years 2006, 2007, 2008, 2009 and 2010. (Bus. & Prof. Code section 6086.10.)
*(See Bus. & Prof. Code, § 6126, subd. (c).)

S129321**HOLT ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **ERIC L. HOLT, State Bar No. 176153**, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for six months and until he makes restitution to Sandra Plascope (or the Client Security Fund, if appropriate) in the amount of \$7,913.32 plus 10% interest per annum from October 20, 2000, and furnishes satisfactory proof thereof to the Office of Probation of the State Bar, as recommended by the Hearing Department of the State Bar Court in its decision filed on September 24, 2004; and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California. Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating his actual suspension. If

respondent is actually suspended for two years or more, he must remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that respondent comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S129329

ST. AMOUR ON DISCIPLINE

Recommended discipline imposed: disbarred

It is hereby ordered that **SUSAN M. ST. AMOUR, State Bar No. 156657**, be disbarred from the practice of law and that her name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S129333

ROGERS ON DISCIPLINE

Recommended discipline imposed

It is ordered that **FREDERICK DOYLE ROGERS, State Bar No. 134459**, be suspended from the practice of law for two years and until he makes the specified restitution as set forth more fully below and until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general

law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for three years subject to the conditions of probation, including that he be actually suspended for 90 days and until he makes restitution to Francisco N. Zendejas (or the Client Security Fund, if appropriate) in the amount of \$1,000.00 plus 10% interest per annum from June 1, 2002, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on October 7, 2004. If **Frederick Doyle Rogers** is actually suspended for two years or more, he must remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar and one-half of said costs must be added to and become part of the membership fees for the years 2006 and 2007. (Bus. & Prof. Code section 6086.10.)

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S131115

SCOTT ON RESIGNATION

Resignation accepted with disc. proceeding pending

The voluntary resignation of **RANDALL KEITH SCOTT, State Bar No. 43085**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding

pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S033975

PEOPLE v. MICHAEL STEPHEN COMBS
Order filed

Court's 150-day statement

